IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.9134-M of 2007
Date of Decision:- 02.03.2007

Jagsir Singh & ors. ....Petitioner(s)

through
Mr.Surender Garg, Advocate

vs.

State of Punjab & anr. ....Respondent(s)

through
Mr.Amit Khanna, AAG, Punjab.
Mr.P.S.Brar, Advocate.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

Reply on behalf of respondent No.2 by way of his affidavit, filed in Court is taken on record.

The prayer in this petition is for quashing of F.I.R.No.13 dated 30.1.2003 under Sections 406/420/498-A/34 IPC registered at Police Station Kotkapura, District Faridkot, as well as all the subsequent proceedings arising therefrom.

Petitioner No.4, who is stated to be a permanent resident of U.S.A., got married to Simarjit Kaur, daughter of the complainant-respondent No.2 on 4.3.2001. No child was born out of the said wedlock. It appears that petitioner No.4 remained in America and did not take his wife along with him. The usual marital discord led the father of the girl, namely, respondent No.2 to get the impugned F.I.R. registered against petitioner No.4 and his other family members i.e. the petitioners.

While the criminal proceedings are pending, both the parties have amicably resolved their matrimonial dispute. It appears that the petitioners have agreed to pay a sum of Rs.7 lacs to the complainant and on

receipt thereof, he or his daughter shall have no claim whatsoever against the petitioners. Respondent No.2-the complainant has separately deposed in support of the compromise. He has also stated that he has no objection if the impugned F.I.R. and the proceedings arising therefrom are quashed.

In view of the compromise arrived at between the parties, it appears that the continuation of the impugned criminal proceedings is an exercise in futility and an abuse of process of law.

Keeping in view the principles laid down by the Apex Court in the case of **B.S.Joshi** vs. **State of Haryana**, 2003 (4) SCC 675, this petition is allowed; the impugned F.I.R. No.13 dated 30.1.2003 under Sections 406/420/498-A/34 IPC registered at Police Station Kotkapura, District Faridkot as well as all the subsequent proceedings arising therefrom are hereby quashed.

March 02, 2007 **(SURYA KANT)**
poonam **JUDGE**